

R E M A R K S / A R G U M E N T S

The Claim Rejections

A. Claims 1, 5-7, 11, and 15-19

Claims 1, 5-7, 11, and 15-19 stand rejected under the provisions of 35 U.S.C. § 102(b) as being anticipated by Mele (2002).

B. Claims 1, 5, 11, 15, and 19

Claims 1, 5, 11, 15, and 19 stand rejected under the provisions of 35 U.S.C. § 102(b) as being anticipated by Mele (1998).

C. Claims 1, 6, and 7

Claims 1, 6, and 7 stand rejected under the provisions of 35 U.S.C. § 102(b) as being anticipated by Pfitzner.

D. Claims 5 and 7

Claims 5 and 7 stand rejected under the provisions of 35 U.S.C. § 102(b) as being anticipated by Szente.

E. Claims 1, 5-7, 11, and 15-19

Claims 1, 5-7, 11, and 15-19 stand rejected under the provisions of 35 U.S.C. § 103(a) as being unpatentable over Mel (2002).

F. Claims 1, 5-7, 11, and 15-19

Claims 1, 5-7, 11, and 15-19 stand rejected under the provisions of 35 U.S.C. § 103(a) as being unpatentable over Mele (2002) in view of either Mele (1998) or Szente.

G. Copending Application USSN '999

While it still is Applicants' position that this is not available as a reference, the present invention clearly is patentable over the disclosure of this application. That is, the prior application only enables spray drying and equates all forms of drying, including freeze-drying. Thus, there is no way that the inventors of the prior application could have known that freeze-drying would be so superior to the forms of drying.

Most telling is the recent amendment filed in the '999 application (courtesy copy enclosed) limiting all of the claims to: "A storage stable, spray dried coated powder particle

composition..." As such, there is no overlapping subject matter and it is beyond peradventure for any skilled artisan to predict, much less expect, the cell uptake provided by the freeze-dried complex disclosed and claimed. This ground of rejection, therefore, now is moot and must be withdrawn.

H. Argument

Each of the cited references has been discussed in detail in a prior response and such remarks are expressly incorporated herein by reference.

I. Summary

In view of submitted declaration and the remarks herewith, allowance of all claims and passage to issue of this application respectfully is requested.

Date:

6 November 2007

Respectfully submitted,



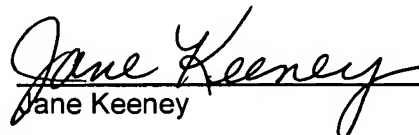
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Enc.

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I hereby certify that this correspondence is being deposited on November 6, 2007, with the United States Postal Service as first class mail in an envelope addressed to:

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